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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 EDWARD T. BERGO as CHAIRMAN and
14 KARL BIK as CO-CHAIRMAN of the
15 BOARD OF TRUSTEES FOR THE CEMENT
16 MASONS HEALTH AND WELFARE TRUST
17 FUND FOR NORTHERN CALIFORNIA;
18 CEMENT MASONS VACATION/HOLIDAY
19 TRUST FUND FOR NORTHERN
20 CALIFORNIA; CEMENT MASONS
21 PENSION TRUST FUND FOR NORTHERN
22 CALIFORNIA; and CEMENT MASONS
23 APPRENTICESHIP AND TRAINING TRUST
24 FUND FOR NORTHERN CALIFORNIA,

25 Plaintiffs,

26 vs.

27 S. J. WEAVER CONTRACTING, INC., a
28 California corporation; and STEVEN J.
WEAVER, an Individual,

Defendant.

CASE NO. C-04-4723 SI
Assigned to Hon. Susan Illston for all
purposes.

JOINT STIPULATION TO CONTINUE
DEADLINE FOR FILING REVISED
DECLARATION OF COUNSEL IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND RULE 11
SANCTIONS; [PROPOSED] ORDER
THEREON

OLD DATE: October 6, 2006
TIME: 9:00 a.m.
DEPT: 10, 19th Floor

Complaint Filed: 11/04/04
Judgment Entered: 08/09/06

25 Pursuant to Local Rules 7-1 and 7-2 of the United States District Court for the Northern
26 District of California, IT IS HEREBY STIPULATED by and between Plaintiffs EDWARD T.
27 BERGO as CHAIRMAN and KARL BIK as CO-CHAIRMAN of the BOARD OF TRUSTEES
28 FOR THE CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR
NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR

1 NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND TRAINING
 2 TRUST FUND FOR NORTHERN CALIFORNIA ("Plaintiffs") through the law offices of
 3 Stanton, Kay & Watson, by James P. Watson, their attorney of record, and Defendant STEVEN
 4 J. WEAVER ("Defendants") through the law offices of Atkinson, Andelson, Loya, Ruud &
 5 Romo, by Thomas W. Kovacich, his attorney of record, to the following:

- 6 1. WHEREAS, the Court entered judgment for Weaver on August 9, 2006;
- 7 2. WHEREAS, Weaver filed his Motion for Attorneys' Fees and Rule 11 Sanctions
 (the "Motion") in this matter on August 23, 2006, which is currently set for hearing on October
 6, 2006 at 9:00 a.m.;
- 8 3. WHEREAS, Plaintiffs filed their Notice of Appeal (the "Appeal") of this matter
 on September 7, 2006;
- 9 4. WHEREAS, on October 3, 2006, the Court issued its order granting Weaver's
 Motion in part and denying it in other part as well as vacating the hearing scheduled for October
 6, 2006;
- 10 5. WHEREAS, the Court's October 3, 2006 order required that Weaver's counsel
 submit a supplemental declaration of counsel to conform to said order's requirements on or
 before October 13, 2006;
- 11 6. WHEREAS, the parties have tentatively agreed to settle their respective disputes
 and to entered into full and complete mutual releases, to dismiss this action in its entirety with
 prejudice, including Weaver's Motion for Attorneys' Fees and Plaintiffs' Appeal;
- 12 7. WHEREAS, the parties need additional time to prepare appropriate settlement
 documents and dismiss this action, Weaver's Motion, and Plaintiffs' Appeal;
- 13 8. WHEREAS, a continuance of approximately thirty (30) days from the October
 13, 2006 deadline for Weaver's counsel to submit the supplemental declaration of counsel
 requested by the Court's October 3, 2006 order is required in order to allow the parties to
 finalize the settlement documents and file the dismissals, thereby conserving time and expenses
 for the Court and parties.

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NOW, THEREFORE the parties hereby agree as follows:

The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's motion for attorneys' fees, currently due on or before October 13, 2006, should be continued to November 13, 2006.

DATED: October 4, 2006

STANTON, KAY & WATSON

By: /s/
James P. Watson
Attorneys for Plaintiffs

DATED: October 6, 2006

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /s/
Thomas W. Kovacich
Attorneys for Defendants STEVEN J. WEAVER

[PROPOSED] ORDER

Having read the above set forth Stipulation and good cause appearing therefore:

IT IS HEREBY ORDERED that:

The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's Motion for Attorneys' Fees, currently due on or before October 13, 2006, shall be continued to November 13, 2006.

IT IS SO ORDERED.

DATED:

HON. SUSAN ILSTON
UNITED STATES DISTRICT JUDGE